



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP - 4 2013

Laura Velez, Esq.
President and Executive Director
Puerto Rico Environmental Quality Board
Post Office Box 11488
San Juan, Puerto Rico 00910

Re: Required Revisions to Puerto Rico's Solid Waste Regulations

Dear Executive Director Velez:

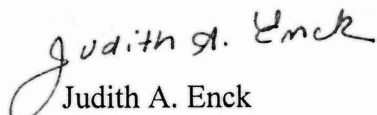
As you may be aware, the U.S. Environmental Protection Agency (EPA) has a long history of working closely with the Puerto Rico Environmental Quality Board (PREQB) and we look forward to continuing this cooperative relationship under your administration. However, there are issues of great urgency in the Commonwealth and we offer our assistance to address them as expeditiously as possible.

One issue of great concern to EPA has been the required revisions to PREQB's solid waste management regulations. These revisions are required to ensure that the Commonwealth regulations are consistent with the federal requirements as codified in 40 CFR Part 258. The consistency of Puerto Rico's regulations with federal landfill criteria formed the basis for EPA's approval of Puerto Rico's municipal solid waste permit program in 1993. As we have stated in several meetings and correspondences, PREQB modified the EPA-approved 1993 version of the regulations without consulting EPA. The modified regulations significantly weakened landfill controls and have rendered Puerto Rico's regulations inconsistent with federal requirements. Failure to maintain consistency with the federal requirements may jeopardize Puerto Rico's status as an approved state for the RCRA Subtitle D Municipal Solid Waste Landfill Permitting Program. If program approval is withdrawn, Puerto Rico will lose its authority to construct new landfills or laterally expand existing ones, and lose flexibilities afforded to approved states such as alternative design, daily cover, and financial assurance requirements.

Enclosed please find several letters generated in the past few years between EPA and PREQB which document the history of the issue and provide direction regarding the required revisions. The promulgation of these revisions is of utmost importance and a top priority for our region. My staff is

looking forward to working with you and your staff to rectify this critical regional priority as expeditiously as possible. If you need more information, you may contact me at (212) 637-5000, or your staff may contact Jose Font (787) 977-5815 or John Filippelli, at (212) 637- 3736.

Sincerely,


Judith A. Enck
Regional Administrator

Enclosures

bcc (w/o enclosures):

Kimiko Link, CASD-SMPB-SMMS

Dale Carpenter, CASD-SMPB-SMMS

Judy-Ann Mitchell, CASD-SMPB

Carl Plossl, DECA-RCB-SET

Leonard Grossman, DECA-RCB-SET

George Meyer, DECA-RCB-SET

Robert Hazen, ORC-WTSB

